

# Notice of Allowability

Application No.

10/601,917

Examiner

Amanda F. Wieker

Applicant(s)

JESTRABEK-HART, BERNADETTE

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 25 January 2005.
2. ☒ The allowed claim(s) is/are 1,3-6,12-14 and 16.
3. ☒ The drawings filed on 19 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DÉPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Henry Bennett  
Supervisor Patent Examiner  
Group 3700

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Frohwerk on 04 March 2005.

The application has been amended as follows:

**In the specification:**

Please do not enter the specification amendment dated 25 January 2005.

**In the claims:**

Please cancel claims 10-11 and 17-20.

Please replace claim 12 with the following amended claim:

--12. A method that allows a person to kneel as if on a knee without contact of said knee to a kneeling surface, and without ~~involvement of~~ connection to any portion of a body below said knee, the method comprising:

(a) attaching a support structure to a thigh above said knee; and

(b) moving the person into a kneeling position such that contact with said kneeling surface is made by a pod pivotably attached to the distal end of said support structure so as to provide a protective space between said pod and said knee, thereby transferring the load presented by the kneeling person from said kneeling surface directly to the thigh, by means of said pod and said support structure associated with said pod, completely bypassing said knee.--

Please replace claim 13 with the following amended claim:

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--13. The method of claim 12 wherein the protective space is between about ½ and 1-inch. —

Please replace claim 14 with the following amended claim:

--14. A method of transferring a load from a pressure-sensitive knee area of a body to a load-bearing thigh adjoining said knee area, wherein said load is generated as if said pressure-sensitive knee area were to rest upon a support surface, said transfer of the load being accomplished without contact between said pressure-sensitive knee area and said support surface, and without ~~involvement of~~ connection to any portion of the body below said knee area, the method comprising:

(a) attaching a support structure to said load-bearing thigh adjoining said knee area; and

(b) moving the body into a position as if said pressure-sensitive knee area were to rest upon said support surface in a manner of kneeling such that contact with said support surface is made by a pod pivotably attached to the distal end of said support structure so as to provide a protective space between said pod and said pressure-sensitive knee area, thereby transferring the load presented by the body upon said support surface from said support surface directly to said load-bearing thigh adjoining said knee area, by means of said pod and said support structure associated with said pod, completely bypassing said pressure-sensitive knee area.--

Please replace claim 16 with the following amended claim:

--16. The method of claim 14 wherein the protective space is between about ½ and 1-inch.--

*Allowable Subject Matter*

2. Claims 1, 3-6, 12-14 and 16 are allowed.

3. The following is an examiner's statement of reasons for allowance: The relevant prior art does not disclose an orthopedic device or method for transferring load from a knee to a thigh,

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wherein the device includes a support means and a pivotably attached pod, wherein the device is not connected to any portion of the body below the knee.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda F. Wieker whose telephone number is 571-272-4794. The examiner can normally be reached on Monday-Thursday, 8:30 - 6:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Amanda F. Wieker  
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